

I also give and bequeath to my son Lewis Birely the sum of two thousand six hundred dollars and thirty five dollars including the charges on account which he has already received from me, and the charges that may hereafter be made against him.

I give and bequeath to my daughter Mary, Wife of David Ecker the sum of two thousand five hundred dollars, deducting one thousand and eighty two dollars, which she has already received from me.

I give and bequeath to my daughter Elizabeth, wife of Nimrod Norris the sum of two thousand five hundred dollars, deducting one thousand and forty one dollars, which she has already received from me.

It is my will and desire that there shall be placed in the hands of my three sons namely David Birely, William Birely and Lewis Birely, each one hundred dollars, all as the fund for the use of Lewis Birely, the interest thereof to be added annually to the principal. Now be it understood that, each of them pay equally ~~to the principal new be it understood that~~, shares out of these different sums as the funds is to be applied expressly to pay to Mrs. Duro wife of Frederick Duro for her right of dower in the farm whereon Lewis Birely now resides, provided she should survive her husband and if otherwise the different sums are to remain in the several hands as a bequest.

I also will and direct that my land property wherein Jacob Hape now resides shall be sold altogether or in parts to the best advantage by my Executor, which I shall hereafter name, he or they shall execute a deed to the purchaser or purchasers thereof.

I also will and direct that all of my personal property not disposed of and yet remaining in the house such as bedsteads and bedding chairs cupboard furniture kitchen furniture and all other small articles that cannot be enumerated here, shall not be sold at public sale, but to be appraised by two men, and to be by them divided into three equal shares Viz, One share to David Birely, one share to William Birely and one share to Lewis Birely.

It is also my will that when all my just debts and expenses are paid, and all outstanding debts are collected, whatever amount of money may remain in the hands of my executor, after paying out the foregoing bequests, then the balance to be divid into four equal shares, among my five children, that is to say one share to David Birely, one share to William Birely, one share to Lewis Birely, and one share to be divided equally between my two daughters namely Mary wife of David Ecker and Elizabeth wife of Nimrod Norris. And lastly I do hereby constitute and appoint my two sons David Birely and Lewis Birely to be the sole Executors of this my last will and testament, Revoking and annulling all former wills by me heretofore made, ratifying and confirming this and none other to be my last will and testament.

In testimony whereof I have hereunto set my hand and affixed my seal this fourth day of January in the year of our Lord one thousand eight hundred and forty seven.

Jacob Birely (Seal)

Signed, sealed, published and declared by Jacob Birely the above named testator as and for his last will and testament, in the presence of us, who at his request, in his presence and in the presence of each other have subscribed our names as witnesses thereto.

Eli Otte
Peter Kemp
John Haugh.

State of Maryland, Frederick County, to-wit:-

On the 18th day of January 1847 came David Birely and made oath on the Holy Evangely of Almighty God, that the foregoing instrument of writing is the whole will and testament of Jacob Birely late of Frederick County deceased, that come to his hand and possession that he found the same among the papers of the deceased and that he does not know of any other.

Test:

Thomas Sappington, Register.

State of Maryland, Frederick County, To-wit:-

On the 18th day of January 1847 came Eli Otte Peter Kemp and John Haugh, the subscribing witnesses to the foregoing last will and testament of Jacob Birely late of Frederick County deceased, & made oath on the Holy Evangely of Almighty God that they did see Jacob Birely the testator therein named sign and seal this will, that they heard him publish pronounce and declare the same to be his last Will and Testament, that at the time of his so doing he was to the best of their apprehension of sound and disposing mind memory and understanding, and that they respectfully subscribe their names as witnesses to said will in the presence and at the request of the testator and all in the presence